

MEETING MINUTES CITY OF MILPITAS

Minutes of: Special Joint Meeting of Milpitas City Council
and the Milpitas Planning Commission
Date: Tuesday, June 13, 2006
Time: 6:00 PM
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd.

I. ROLL CALL

Mayor Esteves called the meeting to order at 6:06 PM.

PRESENT:

City Council: Mayor Esteves, Vice Mayor Gomez, Councilmembers Giordano and Livengood.

Planning Commission: Chairman Cliff Williams and Commissioners Gunawan Ali-Santosa, Norman Azevedo, Lawrence Ciardella, Sudhir Mandal, Noella Tabladillo

ABSENT: Councilmember Polanski and Commissioner Alex Galang. Commissioner Tabladillo was not present at the start of the training; she arrived at 7:09 PM.

II. PUBLIC FORUM

Robert Drobot, 190 Sylvia Ave, spoke about his neighborhood with regard to the KB Home construction site adjacent to his street. He was unhappy about unplanned and unnotified power outages for the construction project, and about fencing on neighbors' (wooden, concrete, cyclone, and pilings) property. He presented some material to the Council and asked for help from the City to improve the treatment from KB Home toward the residents, as the Terra Serena project proceeds.

Mayor Esteves asked staff to respond to written questions he submitted to the Mayor. Council member Giordano asked for a response about the electricity having been turned off for three days.

Ray Panek, KB Home Senior Vice President of land development, commented on the PG&E electricity matter, stating that he understood that PG&E would offer credits to their customers for one of day of unplanned outage. Meanwhile, he pointed out that residents were notified in advance, by letter, of planned outage on two dates. He was meeting with City staff and residents to explain the construction plan for the concrete wall, and the plan to install new wooden fences at the rear of Sylvia Ave. homeowners.

Win Dong, 210 Sylvia Ave, resident, commented further on the concrete wall and the promised new wood fence. There was a problem of the offer of the new fence and a lack of communication by KB Home. He felt his privacy was being encroached. When he tried to look out his back yard, he now saw concrete. He brought some photographs to show the City Council his situation.

Buddy Magray, 222 Sylvia Ave, was concerned for privacy. His bedroom was facing the backyard, and now a three-story townhome at KB Site would look into his backyard. As a result, he no longer opened up the back window or curtains anymore. Mr. Magray felt that KB Home did not consider the privacy of the neighbors with this project.

Mayor Esteves stated to the Sylvia Ave. residents that staff would attend to the questions of the residents, and also he asked for this matter to be placed on the next City Council meeting agenda for the staff to give a report and update to the residents.

III. APPROVAL OF AGENDA Motion: to approve the agenda, as submitted

Motion/Second: Councilmember Giordano/Councilmember Livengood

Motion carried by a vote of:

AYES: 9

NOES: 0

ABSENT: 3 (Polanski, Galang, Tabladillo)

IV. AB 1234 Training

Assistant City Attorney Richard Pio Roda provided training to the City Council and Planning Commission as required by state law (Assembly Bill 1234). The purpose of the training was to give a review of state laws regarding ethical behavior to public officials, who are paid and who are eligible for reimbursement of certain expenses. On January 1, 2006, the new law took effect, after the Assembly-sponsored legislation was adopted in the state legislature last year.

Mr. Pio Roda gave an overview of what the training would cover and provided handouts to City Council and Planning Commission of the presentation he made on the overhead screen (power point).

Primarily, he focused on critical points of the following laws: the Political Reform Act of 1974, California Government Code §1090, and Fair Process Requirements. He noted also that sections of the City of Milpitas Open Government Ordinance applied even more strictly than some of the state laws.

Prohibitions on gifts were discussed in detail, as well as mass mailing restrictions. Basically, gifts greater than \$360 in value given to the public official or immediate family member must be reported on the annual FPPC Form 700. Highlights of California's open meeting law, the Brown Act, were reviewed.

Mr. Pio Roda provided many useful references to resource material, including his office, the League of California Cities, the Fair Political Practices Commission, and several websites. He was available for any questions from Milpitas elected and appointed officials. Lastly, he asked all those in attendance to sign the declaration form provided by the City Clerk and to turn those in to Mary Lavelle.

Training concluded at 7:45 PM. The City Council and Planning Commission then took a break, and reconvened at 8:00 PM for the discussion item.

JOINT MEETING: CITY COUNCIL AND PLANNING COMMISSION

Planning Commission Chairman Williams explained the reason for the meeting, hoping to garner input from the Council on such matters as vision, input and overall design in the City of Milpitas. He hoped this session would be informal, to share with the City staff if needed, and to garner the general feelings on topics of interest.

Councilmember Livengood commented that on re-zoning land, particularly industrial and commercial to residential, with a long term vision, it was important to not go overboard toward residential. The economy had changed, with some uses no longer viable (small industrial buildings maybe), then renovation can be sensible.

Furthermore, Mr. Livengood felt that generally the role of the Planning Commission was to be a sounding board for the community; performed an important function to listen to citizens. Lastly, he remarked that staff was very effective and doing an excellent job, helpful with outreach to citizens, staff, and the Commission.

Commissioner Mandal inquired what is the vision of the City Council for Milpitas?

Vice Mayor Gomez mentioned the Roadmap for Service Improvements put forward by Councilmember Giordano and himself. He wanted the Commission to be involved in the processes in that memo. That included being helpful to businesses trying to locate here, and try to be better than surrounding cities, as possible. He agreed with Mr. Livengood on the industrial land use conversions and that the City should be systematic with regard to decisions on such changes.

Councilmember Giordano commented on industrial rezoning. She asked staff about a plan to specify terms of these in future. Planning Director Tom Williams said a study was forthcoming on City commercial space inventory that more specifically will state what exists in Milpitas, verify vacancy of industrial buildings (in next 3 weeks or so).

Councilmember Giordano responded to Commissioner Mandal. On the question of vision, the City had produced the Economic Development Plan and hired a new Economic Development Manager in last 18 months, so that presented a vision for the City. The EDP was a template for growth, and deciding on issues in certain areas of Milpitas. Balanced growth for the long term was what needed to be achieved.

Commissioner Ciardella remarked that with existing projects approved of 4000+ housing units, should the City increase its City staffing (police, fire and others)? He pondered whether there were enough personnel to meet the needs of the increased population. Mayor Esteves responded that the City Manager and department heads have to determine the reply to that issue, particularly at budget time each year. Councilmember Livengood told Commissioners that Council requested such input at budget time each year, and for the next year, both Chiefs held the line on service delivery without additional staff requested.

Chairman Williams noted that City staff has been working hard, but that requests to use vacated buildings by non-profit organizations or those of religious institutions (churches) continue to arrive in the City. He felt the need to have balance. He wondered did the Council have any comment on this land use challenge.

Mayor Esteves was glad to bring up the topic, it was time sensitive, but still needed to have time to implement a moratorium on certain rezoning or uses.

Vice Mayor Gomez was not sure, but perhaps recreational use maybe vs. housing, was a suitable rezone, from industrial. Regarding churches, he was sensitive that reception next to heavy industrial doesn't mix. Also, the City should strive to gain revenue-generating businesses coming in to City. Councilmember Giordano noted there was no way around disallowing a church use, in an area where those were permitted and there were other churches.

Vice Mayor Gomez suggested there might be a mixed industrial overlay to allow use with a Conditional Use Permit for religious uses in those buildings. That was occurring in San Jose, maybe it would be good for Milpitas.

Commissioner Tabladillo asked how long to implement an overlay or other new re-zones uses after the inventory study was done? Staff replied about 3 months.

Chairman Williams also asked whether City Council had in mind any overall design theme for Milpitas. Leaving Spanish heritage behind lately, so were they aiming for a mix, toward modern architecture or something else?

Councilmember Giordano asked staff as an example, what about the building across from Embassy Suites (750 Calaveras Blvd.)? It was recently brought into the City and how does that fit. Senior Planner Dennis Carrington responded briefly, explaining that staff worked with the architect and developer to come up with appropriate design of the brand new commercial structure. Staff Mr. Williams mentioned peer review by architect firms (HOK and one other).

Chairman Williams remarked that the planning staff was doing a fantastic job, with great diligence in reviewing details and technicalities. The Commission heard the public at meetings, and in comments received upon review of new projects.

Commissioner Ali-Santosa asked about a scenario where there was empty land, the City

awaited an applicant to come in, and then the land use might not be what City wanted. What could the Commission do to ensure pro-actively the Council-desired land use?

Planning Manager Williams remarked that was the challenge that must be figured out. The City had a General Plan with zoning code, now had the Mid Town Specific Plan; and the private sector chasing the market, while the latter didn't exactly match what was in Milpitas' long term vision. That was the challenge for staff, the community, and public officials. In fact, he noted that ABAG reported that housing units were still short in the Bay Area for current market needs in this County, so demand for residential remained high.

Mayor Esteves commented that Milpitas needed to be competitive, be on a par with other cities in the region, and provided the expansive Rivermark development in Santa Clara as a quality example.

Councilmember Livengood felt the General Plan was a roadmap, a plan should be followed, but if you see a problem or issue, then step up and bring it forward for change or update. Regarding the Economic Development Plan, he advised the Commissioners to pay attention to that document, for example on housing needs that were missing.

Commissioner Mandal commented on Solar Panel use in other cities. He read a news article comparing rates for applications for solar panel. It stated that Milpitas was twice the cost for permit installation than San Jose. He wondered if the City Council was favorable toward this resource for buildings.

Mr. Ali-Santosa noted the recent trend toward green building occurring now, and certainly solar power was one element of that type of building.

Mr. Livengood knew that other area cities had aggressive ordinances for alternative energy sources, including solar. He suggested obtaining a copy of ordinances from other cities, and then the Commission might make recommendations to Council, to incorporate into new buildings and projects.

Mayor Esteves noted that the County Solid Waste agency certified green buildings. Mr. Williams noted that the LEED program was the standard that governments currently employ with regard to green building, and those provide incentives for developers.

Chairman Williams announced that people approached him about the need for a grocery store in the So. Main St. area (Great Mall area). If the City wanted to encourage people to use transit and not drive so much, then he supported the evident desire and demonstrated need for a grocery store in that area of Milpitas. Planning Director Williams noted that in the Transit Area Plan for S. Main St., two possible locations were planned for a potential grocery store (at S. Main St. & Abel, and south of the DR Horton project) were already zoned appropriately for commercial buildings.

Ms. Giordano noted that with the upscale housing need identified in the Economic Development Plan, then a balance was needed with regard to retail. Retail spending needed economic activity to lure residents to move into high-end housing.

Commissioner Azevedo suggested the Planning Commission should meet only monthly, to have longer meetings instead of two short ones, as had occurred on a few occasions recently. City Attorney Pio Roda responded that would not be okay, since it was in City ordinance fixed, that the body meet twice a month. The City Council would have to adopt an ordinance to change it permanently.

Staff noted that it could otherwise cancel meetings in the future, when not much activity was on the agenda. Mr. Williams felt staff could manage the agendas appropriately.

Vice Mayor Gomez appreciated that method, because the City cared about any applicant's concern to get the project approved quickly, so work could begin without delay (which could occur if only once-per-month meetings).

Mr. Azevedo thanked the Council for having appointed Planning Commissioners who work well together.

V. ADJOURNMENT

Mayor Esteves adjourned the meeting at 9:08 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on June 20, 2006.

Mary Lavelle
City Clerk